

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:	:
	:
Alemu Investments, LLC	: Contested
t/a Signature Lounge	: Fact-Finding
1920 9th Street, NW	: Hearing
Retailer CT - ANC-1B	:
License No. 95535	:
	:
(Fitness for Licensure)	:

February 4, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 1:41 p.m.

3 CHAIRPERSON MILLER: Okay. That
4 brings us to our Contested Fact-Finding Hearing
5 and to the Qualifications Hearing. It is
6 Signature Lounge located at 1920 9th Street, N.W.,
7 License No. 95535, in ANC-1B.

8 And if you would come forward, anybody
9 who is here for that case?

10 MR. ALEMU: Good afternoon.

11 MR. DEREJE: Good afternoon.

12 CHAIRPERSON MILLER: Good afternoon.

13 There is --

14 COURT REPORTER: Could you sign-in,
15 please?

16 MR. DEREJE: Sure.

17 CHAIRPERSON MILLER: Yes. Okay.
18 Let's start with your introductions for the
19 record.

20 MR. ALEMU: Amare Alemu.

21 CHAIRPERSON MILLER: Okay. And you
22 are the owner of --

1 MR. ALEMU: I am the member of --

2 CHAIRPERSON MILLER: You're a member?

3 MR. ALEMU: Yes, member of Signature
4 Lounge.

5 CHAIRPERSON MILLER: What percentage
6 are you?

7 MR. ALEMU: I have 3 percent on my
8 share.

9 CHAIRPERSON MILLER: Okay.

10 MR. ALEMU: And my sister, she have 97
11 percent.

12 CHAIRPERSON MILLER: Right.

13 MR. ALEMU: And she cannot be able to
14 make it today. And she prepared me the affidavit
15 for that.

16 CHAIRPERSON MILLER: Yes.

17 MR. ALEMU: So that I would be able to
18 speak on behalf of her as well as represent her.

19 CHAIRPERSON MILLER: Great.

20 MR. ALEMU: So I have that.

21 CHAIRPERSON MILLER: Okay. Do we have
22 that in the record?

1 MR. ALEMU: No, it's not in the
2 record.

3 CHAIRPERSON MILLER: All right. Thank
4 you. Okay. That's fine. And you are, sir?

5 MR. DEREJE: Dereje Daneale, managing
6 member.

7 CHAIRPERSON MILLER: What are you?

8 MR. DEREJE: Managing member.

9 CHAIRPERSON MILLER: Okay. Is your
10 mike on? Yes, it is, okay.

11 MR. DEREJE: Yes.

12 CHAIRPERSON MILLER: Could you spell
13 your last name?

14 MR. DEREJE: My name Daneale, D-A-N-E-
15 A-L-E.

16 CHAIRPERSON MILLER: Yes. Okay.

17 MR. DEREJE: My last name Dereje, D-E-
18 R-E-J-E.

19 CHAIRPERSON MILLER: All right. And
20 you are a member as well? What did you say you
21 were?

22 MR. DEREJE: I did, the manager.

1 CHAIRPERSON MILLER: You're the
2 manager. Okay. Manager. Okay. Before we start
3 then let me just say a couple of things.

4 This is what is called a
5 Qualifications Hearing. Did you receive an order
6 that was sent by the Board which said "Order
7 requiring applicant to demonstrate fitness for
8 licensure under § 25-301?

9 MR. ALEMU: Yes, ma'am.

10 CHAIRPERSON MILLER: Okay. So that's
11 what this hearing is about.

12 MR. ALEMU: Yes.

13 CHAIRPERSON MILLER: And I'm going to
14 put under oath anyone who will be testifying.

15 MR. ALEMU: Okay.

16 CHAIRPERSON MILLER: And you basically
17 have the burden of proof to show that you are
18 qualified under this provision, but Board Members
19 will also be asking you questions.

20 MR. ALEMU: Okay.

21 CHAIRPERSON MILLER: Okay. So if you
22 read that order, you know that if we are not

1 convinced that you are qualified, that this could
2 result in a denial of your license?

3 MR. ALEMU: Okay.

4 CHAIRPERSON MILLER: Do you have any
5 questions so far?

6 MR. ALEMU: No.

7 CHAIRPERSON MILLER: Okay. And this
8 arises out of, in part at least, that Fact-
9 Finding Hearing that we had where we heard about
10 it sounded like you were selling drinks without
11 food and whatever the relationship was with the
12 caterer, but that's pretty much outlined in this
13 order, so I'm not going to repeat that as long as
14 you have the order.

15 All right. So are you both going to
16 testify or you are not sure or are you going to?

17 MR. ALEMU: Yes.

18 CHAIRPERSON MILLER: Okay. Well, let
19 me put you under oath then.

20 Whereupon,

21 AMARE ALEMU

22 was called as a witness for the Licensee, and

1 having been first duly sworn, assumed the witness
2 stand and was examined and testified as follows:

3 MR. ALEMU: Yes.

4 CHAIRPERSON MILLER: Okay. And I
5 guess I'll put you under oath later if you decide
6 to testify later in this proceeding.

7 MR. DEREJE: I'm going to.

8 CHAIRPERSON MILLER: Oh, you are going
9 to. Okay. I'll swear you in now.

10 Whereupon,

11 DANEALE DEREJE

12 was called as a witness for the Licensee, and
13 having been first duly sworn, assumed the witness
14 stand and was examined and testified as follows:

15 MR. DEREJE: Yes, I do.

16 CHAIRPERSON MILLER: Okay. All right.
17 This is your -- I'm going to let you start
18 because this is your burden. You got the notice,
19 the concerns that were laid out.

20 Would you like to address the Board as
21 to why we should find you qualified?

22 MR. ALEMU: Yes, ma'am.

1 CHAIRPERSON MILLER: Okay.

2 MR. ALEMU: On March 14th I signed a
3 lease with the landlord at 1920 9th Street. And
4 between those period of times, I -- me, my
5 partner and my sister, we spent quite a few
6 amount of money to do renovation to sort of try
7 to make the place look legitimate as well as the
8 safety for the community by having a good staff
9 as well as wait staff to try to make it a safe
10 environment on 9th Street.

11 We actually have a business in Crystal
12 City in Arlington, Virginia and this is our
13 second location and opening a business in the
14 District of Columbia.

15 Our goal was to get our liquor license
16 and try to work out all the appropriate paperwork
17 from the ABRA as well as from DCRA, public
18 Government so that we could conduct our business.

19 With that when we were applying for
20 our liquor license, of course it took us a little
21 longer than we were anticipating to receive our
22 license. We were intending to serve

1 Mediterranean food in the area, because there has
2 not been any diverse -- there is a lot of diverse
3 in the area, but there are not any Mediterranean
4 food.

5 CHAIRPERSON MILLER: What kind of
6 food?

7 MR. ALEMU: Kabob, Mediterranean.

8 CHAIRPERSON MILLER: Mediterranean,
9 okay.

10 MR. ALEMU: Yes. Like kabob or
11 whatnot. Because that's the same, you know, we
12 are doing in our Crystal City location. So our
13 main goal is to provide the neighbors as well as
14 the young professionals and all the surrounding
15 areas to serve them with a very high-quality
16 organic as well as healthy food in the area.

17 While we were waiting for our liquor
18 license, we received a lot of reservations to --
19 for people that would like to do some kind of
20 events, birthday parties as well as, you know,
21 some graduation and whatnot.

22 Of course, because we were spending

1 quite a few amount of money, our rent is
2 extremely high, it's actually \$10,000 a month,
3 not to mention our utility. There is gas and
4 water. Our expense is extremely high.

5 So we did -- we have no choice but to
6 book those events in our facility. So we
7 collaborated with the catering company to do all
8 the events, according to the requirement from
9 ABRA. So from the times that we had been doing
10 and I'm sure you folks now hold the list that we
11 have been having all these events at Signature
12 Lounge, we provide the different cliental, food
13 as well as drinks that are to be catered by a
14 catering company.

15 Now, of course, we are humans. There
16 is mistakes that happen on one of the events that
17 we did and the timing was a little bit short
18 before we noticed and before we moved forward on
19 Plan B, meaning should we close to the event
20 because we don't have any kitchen equipment or
21 should we go forward? While we were discussing
22 that, of course, an incident happened and an ABRA

1 Investigator showed up or whatnot. And we
2 discussed there would be ABRA Investigators with
3 the catering company. We decided to shutdown for
4 the night.

5 Now, in order for us to make our rent
6 ourself without adding our utility and any other
7 expenses, we have to make \$333 in order for us to
8 make the right amount of money daily. So even
9 though we have not made that kind of money in
10 that evening, we have no choice but to comply
11 with the law and we decided to shut it down for
12 that date.

13 Now, in that area, there is a lot of
14 diverse cliental which they will be able to --
15 which was they like a very nice quite environment
16 as well as a very safe environment. Our
17 intention when we came to Washington, D.C. is to
18 bring the same vibe that we have in Crystal City,
19 Arlington and bring it into D.C. environment,
20 which is safe for all of our clients as well as
21 for our neighborhood, because we do have
22 residents in the area.

1 Our main goal is to make sure that the
2 -- our sound stays inside because of the fact
3 that there is a lot of residents in our
4 neighborhood as well as security that we have to
5 provide if there is any incident that may happen
6 in the area, that also includes the inside of the
7 property as well as anything outside.

8 With that in mind, I believe we comply
9 with every aspect of the law that ABRA requires
10 for us and DCRA and the Health Department.

11 As of today, starting from March since
12 we first -- I received the keys from the landlord
13 until January 15, every month I pay rent on the
14 15th. Me and my sister we spend \$100,000 in the
15 rent myself without any kind of revenues that we
16 are generating because sometimes the business we
17 make less than \$333. Sometimes we make \$50,
18 sometimes we make nothing.

19 With the renovations for a place to
20 make it legitimate, to make it look nice, make it
21 look attractive for our cliental, for our young
22 professional cliental, we spend over like \$52,000

1 without mentioning our labor and time and all of
2 that that came between within all those --
3 between March and January 15th.

4 Not to mention this next month we do
5 have the rent coming now which is also another
6 \$10,000 which is going to be increasing our
7 initial expenses for what we should be doing.
8 But in time, we have to dig into our family
9 pocket.

10 We literally went from we using our
11 money from the Crystal City location, our
12 pockets, our family and all that and all that,
13 and I would like to ask the Board to consider,
14 you know, our effort and our willing to provide a
15 very safe, a very attractive environment in the
16 District of Columbia. And we would like to ask
17 the Board to consider our eligibility on our
18 liquor license.

19 We are going to -- we are looking
20 forward to be a very good citizens in the
21 District of Columbia, safe environment, clean,
22 young professionals and look forward to being in

1 business relationship with District of Columbia.

2 And I thank you for your time.

3 CHAIRPERSON MILLER: Okay. Thank you.
4 Why don't we do Board questions right now. Mr.
5 Short, you have a question?

6 MEMBER SHORT: Good afternoon.

7 MR. ALEMU: Good afternoon, sir.

8 MR. DEREJE: Good afternoon.

9 MEMBER SHORT: Your name again is?

10 MR. ALEMU: Amare.

11 MEMBER SHORT: Amare.

12 MR. ALEMU: Yes.

13 MEMBER SHORT: Amare, before you
14 started this business did you have a business
15 plan laid out on how your first year would go,
16 your first month would go?

17 MR. ALEMU: Yes.

18 MEMBER SHORT: How you would meet all
19 your obligations?

20 MR. ALEMU: Yes.

21 MEMBER SHORT: Did your business plan
22 -- it sounds like you kind of opened for business

1 before you were ready to open for business. Did
2 -- the problems you ran into, how did that affect
3 your business plan or how was your business plan
4 incorporated with your problems?

5 MR. ALEMU: Our business plan when we
6 first opened in 2008, we actually, me and my
7 brother, my younger brother, started this
8 business by Virginia Tech area. My brother went
9 to Virginia Tech.

10 MEMBER SHORT: Okay. Real quick.
11 Forgive me for cutting you off.

12 MR. ALEMU: No problem.

13 MEMBER SHORT: You mentioned that you
14 are 3 percent interest owner now.

15 MR. ALEMU: Yes, sir.

16 MEMBER SHORT: What was your interest
17 when you and your brother were in it?

18 MR. ALEMU: We are 50/50 on my other
19 business, yes.

20 MEMBER SHORT: Okay. Go ahead.

21 MR. ALEMU: In 2007, we opened our
22 first business, Mediterranean Bar & Grill, by

1 Virginia Tech. My brother went to Virginia Tech.
2 I went to VCU. We opened our first business
3 there. And the second one after three years, we
4 came to Crystal City area in Arlington.

5 Our business plan started from
6 Blacksburg area. Our business plan stated that
7 within -- our first business opened within three
8 years, we should be able to expand into a
9 different area and a different aspect of
10 business.

11 So we did we came to -- from a school
12 town to a big city of Arlington and Crystal City
13 area. Our business plan indicates that every
14 three years we should be able to come up and open
15 a new area facilities.

16 Now, the one in Blacksburg and the one
17 in Crystal City have followed all of our business
18 plan. When we came to Washington, D.C., our
19 intention was to get our business -- our liquor
20 license, because at the beginning we know that
21 the place does not have any liquor license, so
22 according to ABRA Law it takes about 45 days to

1 receive your liquor license.

2 So we have that in our consideration.
3 As well we thought about like maybe we should get
4 it through the ANC in order to be able to get it
5 through the stipulation license. Unfortunately,
6 those things didn't go through according to our
7 business plan.

8 So the only option that we have is to
9 fund this place from our other business until it
10 sustains to follow our business plan. Like I
11 said, our business plan consists of every three
12 years to open a new location. Every three years,
13 we would come to Washington, D.C., according to
14 our business plan, but it didn't happen to go
15 that way, that route.

16 And it did affect our business rhythm
17 of going forward in our business plan.

18 MEMBER SHORT: Okay. Now, your
19 business plan again ran into a bump when the ABRA
20 Investigator came there and you were selling
21 alcohol, but you didn't have any food there. Is
22 that correct?

1 MR. ALEMU: On the day of the event,
2 we did have a catering company. The catering
3 company did brought our -- all the -- by the ABRA
4 -- by ABRA Law they say the catering company have
5 to bring their liquor as well as their food.

6 On the date of the event, we opened
7 the place at 6:00 in the afternoon for business.
8 By the time we started preparing all the food in
9 the kitchen, one of the staff -- one of the
10 equipment broke down, as you can see on the
11 record preview what the ABRA Investigator put on
12 our record.

13 And we still open at 9:00, if I'm
14 remembering the exact time, when I consulted with
15 the catering company that one of the equipment
16 has been failed and we were going back and forth,
17 that's where the -- that's when the ABRA
18 Investigator showed up on our premises and looked
19 into the problem and told us to shut it down.

20 Now, before the ABRA Investigator
21 showed up at the property, me and the catering
22 company we discussed on which way should we go.

1 Should we close it or should we try to bring in
2 other food from his establishment, because
3 another guy was preparing at the moment.

4 At that moment, when the catering
5 company -- when the ABC Investigator showed up,
6 he made the statement that, you know, you guys
7 need to close, shut down, not serve food -- you
8 cannot serve alcohol without any kind of food.
9 We kindly respected and listened to what he
10 requested and we shut down the property at that
11 moment.

12 MEMBER SHORT: So you had never done
13 that before? You have never had a problem
14 selling alcohol there before without a caterer?

15 MR. ALEMU: No. Every time that we
16 had the catering company is where we sell
17 alcohol. All the time -- every time whenever we
18 have a catering company is when we have an event.
19 Without the event, you cannot bring any catering
20 company. Without an event, you cannot afford to
21 pay a catering company. So with that in mind,
22 the catering company showed up, you know, we had

1 alcohol and we have food to accommodate our
2 party.

3 MEMBER SHORT: To abide by the law?

4 MR. ALEMU: To abide by the law, yes.

5 MEMBER SHORT: Okay. Now, you said at
6 6:00 -- when did you find out that the stove or
7 your product had broke down?

8 MR. ALEMU: The product broke down on
9 us when we first received our first order, which
10 is around like -- if I believe like around 9:00,
11 9:30. I'm not quite sure of the time, but it's
12 around that area when we first received our first
13 order. Until then, the place didn't have any
14 cliental, so the place didn't have any customers
15 so that way we didn't provide any order.

16 By the time when the client order the
17 first meal --

18 MEMBER SHORT: Were you selling
19 alcohol at 6:00?

20 MR. ALEMU: At 6:00, no. We have the
21 catering and everything inside the place, but
22 nobody showed up. The first client that came in

1 was at 9:00, that's the first customer that order
2 the first food and that's when we figured out
3 that we don't have any kind of --

4 MEMBER SHORT: Okay. My last
5 question, between 6:00 and 9:00 --

6 MR. ALEMU: Yes.

7 MEMBER SHORT: -- you didn't know you
8 couldn't cook food?

9 MR. ALEMU: Between 6:00 and 9:00, we
10 did prepare some food inside of kitchen, but by
11 the time it reached 9:00, the food need to be
12 warmed and ready to go, but one of our equipment
13 failed, so we cannot be able to provide the
14 client exactly the food what he was asking for.

15 MEMBER SHORT: Did you tell that to
16 the ABRA Investigator?

17 MR. ALEMU: We did tell the ABRA
18 Investigator, yes.

19 MEMBER SHORT: And what did he say?

20 MR. ALEMU: He said unfortunately, you
21 guys have to shut down, because you cannot serve
22 any kind of alcohol without any food. And we

1 said okay, no problem. We shut down the place
2 right away while he was still there.

3 As a matter of fact, the ABRA
4 Investigator came through the next day to check
5 on our -- to check on whether we are selling any
6 food or alcohol. He did show up the next day and
7 he did found us that we were actually serving
8 food and alcohol because we had an event at that
9 day.

10 And that report is actually in the
11 ABRA investigative report.

12 MEMBER SHORT: Okay. And you didn't
13 know you could not sell alcohol without having
14 food or did you know?

15 MR. ALEMU: By the law, I did know
16 that you have to have food to sell alcohol. I do
17 know that, that's why we suddenly find out that
18 we don't have any -- one of the equipment was not
19 working. That is why we had decided to speak to
20 each other with the catering company to shut down
21 the place and that's when the ABRA Investigator
22 showed up at that moment when we were having a

1 discussion between each other whether we should
2 shut down right now or should take out the
3 alcohol.

4 MEMBER SHORT: Thank you very much.
5 Madam Chair, that's all I have.

6 CHAIRPERSON MILLER: Okay. Thank you.
7 Other questions? Mr. Brooks?

8 MEMBER BROOKS: Yes. Sir, how long
9 have you been in business?

10 MR. ALEMU: Been in business since
11 2007.

12 MEMBER BROOKS: At this location? At
13 this location, sir?

14 MR. ALEMU: Since March 2014.

15 MEMBER BROOKS: Okay. And when was
16 this event that we are describing now?

17 MR. ALEMU: It happened at Signature
18 Lounge, 1920 9th Street.

19 MEMBER BROOKS: Okay. But at what
20 date did this occur that you had the caterer?

21 MR. ALEMU: Unfortunately, I do not
22 exactly have the exact dates, but I'm thinking

1 maybe it might be like on Thursday.

2 MEMBER BROOKS: Okay.

3 MR. ALEMU: Or maybe on Friday, but
4 I'm not quite sure.

5 MEMBER BROOKS: In what month?

6 MR. ALEMU: Maybe June, July.

7 MEMBER BROOKS: Okay.

8 MR. ALEMU: The report should be --

9 CHAIRPERSON MILLER: Right.

10 MEMBER BROOKS: Yes. Well, I have
11 that here, but I just thought you would probably
12 know.

13 MR. ALEMU: I'm not quite sure
14 exactly. It's been a long time.

15 MEMBER BROOKS: Okay.

16 MR. ALEMU: Yes.

17 MEMBER BROOKS: And was this the first
18 event you had?

19 MR. ALEMU: No, that's not the first
20 event that I had. I had other events before, but
21 at that particular day is when the equipment
22 actually failed on us.

1 MEMBER BROOKS: Okay.

2 MR. ALEMU: The equipment is actually
3 an older equipment that I actually rented from
4 the landlord with all the stuff and it was an
5 older item, so it just failed on us.

6 MEMBER BROOKS: Okay. Now, had you
7 used a caterer before?

8 MR. ALEMU: Yes.

9 MEMBER BROOKS: And who was the
10 caterer?

11 MR. ALEMU: Same company, New York/
12 Jersey. I'm not quite sure, sir. I don't know.
13 Something like --

14 MEMBER BROOKS: Okay. You used a
15 caterer before, but you --

16 MR. ALEMU: B Cafe.

17 MEMBER BROOKS: -- can't recall the
18 name?

19 MR. ALEMU: It's been a long time
20 since I have used this. It's been like -- I
21 believe the last time that I used the catering
22 company was like June or July.

1 MEMBER BROOKS: Okay.

2 MR. ALEMU: B Cafe. I'm sorry, I got
3 it. B Cafe.

4 MEMBER BROOKS: Okay. And how did you
5 come to know this caterer?

6 MR. ALEMU: I happened to run into him
7 at another event that he was having. I was just
8 in the area and I saw the event, the way that he
9 was doing, the way that he was catering and I
10 liked the fact that he was going by the rule, by
11 the book and all that stuff. So that's when I
12 just like approached him and I said hey, I have
13 an event coming up, would you be able to provide
14 me with some, so that's why I -- we find each
15 other.

16 MEMBER BROOKS: Thank you, Madam
17 Chair.

18 CHAIRPERSON MILLER: Okay. Others?
19 Let me just ask you a basic question about when
20 you had alcohol being served. How much food did
21 you have being served in general?

22 MR. ALEMU: I didn't hear. One more

1 time, ma'am?

2 CHAIRPERSON MILLER: When you served
3 alcohol, how much food were you serving at the
4 same time?

5 MR. ALEMU: When we have the alcohol
6 and the catering company, usually the catering
7 company will put -- bring -- usually he brings it
8 outside from his resource that he have. Pretty
9 much it will feed about like between 52 and 100
10 people, give or take. He will bring about like
11 this much and this high like the, what do you
12 call it, little heater and so like everything is
13 ready to go. It's like a buffet-style, that's
14 how he brings the food down and ready to go for
15 our clients.

16 CHAIRPERSON MILLER: So would you say
17 it was a substantial amount of food?

18 MR. ALEMU: Yes.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Alberti, do you have any questions?

21 MEMBER ALBERTI: Are you finished, Ms.
22 Miller?

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: Okay. I guess I'll
3 start. I'm actually going to sort of switch
4 gears on you here.

5 You signed the lease agreement for
6 this property with, forgive me for a minute,
7 Assefu Alemu Yaho? I'm probably mispronouncing
8 that.

9 MR. ALEMU: Yes.

10 MEMBER ALBERTI: Okay. Forgive me.
11 Forgive me, please. I'll admit that I'm not very
12 good at that.

13 When did you sign that lease
14 agreement?

15 MR. ALEMU: March 2014.

16 MEMBER ALBERTI: March, okay. When
17 did you start paying rent?

18 MR. ALEMU: My deposit. I had a month
19 deposit and right after two month my rent
20 started. So a two month deposit of \$20,000 and
21 my first rent started like May.

22 MEMBER ALBERTI: May, okay.

1 MR. ALEMU: May.

2 MEMBER ALBERTI: Did you ever get
3 behind in your rent?

4 MR. ALEMU: I had a few ups and downs
5 with my rent, but then I consulted with my family
6 members, it was my cousins, as well as my manager
7 here, so they help me with everything that I
8 needed to sustain, as well as to bring some more
9 cash flow from my other business.

10 MEMBER ALBERTI: I'm looking at a
11 landlord affidavit that was completed by -- okay,
12 let's go back.

13 So Tsion, is that how you pronounce
14 her name?

15 MR. ALEMU: No, that's my sister.

16 MEMBER ALBERTI: I know. How do you
17 pronounce her name?

18 MR. ALEMU: Tsion.

19 MEMBER ALBERTI: Tsion. Okay. Tsion
20 Alemu.

21 MR. ALEMU: Yes.

22 MEMBER ALBERTI: And so she owns 97

1 percent?

2 MR. ALEMU: Yes.

3 MEMBER ALBERTI: I have a landlord
4 affidavit here that was submitted in May 7, 2014
5 to the Agency here. And it -- well, I'll read
6 Item 4 here. It says -- at the top it lists the
7 name of the actual owner, which is Assefu Alemu?

8 MR. ALEMU: Alemu.

9 MEMBER ALBERTI: And Item 4 says "As
10 owner of the property, do you have a financial
11 interest directly or indirectly in the ABC
12 License, i.e., lease/security agreement?" And it
13 is checked no. And Item 4A is "Do you hold any
14 other ABC License in the District of Columbia?"
15 And it says no.

16 So did you get this? Okay. But then
17 it is signed by your sister. So --

18 MR. ALEMU: There should be --

19 MEMBER ALBERTI: -- why --

20 MR. ALEMU: There should be --

21 MEMBER ALBERTI: I'm asking about this
22 one. I'm asking about this one. Why didn't you

1 get this from the landlord?

2 MR. ALEMU: My case manager, general
3 manager, he's the one that prepared all the
4 paperwork. Unfortunately, it must be like a
5 misunderstanding with paperwork that we filed, I
6 believe, last week of 2015.

7 MEMBER ALBERTI: No, I don't care
8 about last week. We've got another one. I don't
9 care about last week. I'm talking about this
10 one.

11 MR. ALEMU: I am not quite sure why it
12 has been signed. It's not supposed to be signed
13 by my sister.

14 MEMBER ALBERTI: Did you get your --
15 get the information from your landlord?

16 MR. ALEMU: It's supposed to be from
17 my landlord.

18 MEMBER ALBERTI: I understand that.

19 MR. ALEMU: Yes.

20 MEMBER ALBERTI: But it wasn't. It
21 doesn't look like the landlord filled this out.

22 MR. ALEMU: Right. That one --

1 MEMBER ALBERTI: Did the landlord fill
2 this out, the one that was submitted, did the
3 landlord fill it out?

4 MR. ALEMU: No, that's where they make
5 me fill out the new one last week.

6 MEMBER ALBERTI: Okay.

7 MR. ALEMU: Two weeks ago.

8 MEMBER ALBERTI: All right. All
9 right. But you don't know why you submitted this
10 one?

11 MR. ALEMU: My case manager, general
12 manager is the one that drop all --

13 MEMBER ALBERTI: Who did?

14 MR. ALEMU: Jeremy, general manager,
15 case manager.

16 MEMBER ALBERTI: Your case manager?

17 MR. ALEMU: He is the one that submit
18 all the paperwork. He still has to fill out all
19 the paperwork and get --

20 MEMBER ALBERTI: But you understand
21 you are responsible? Well, your sister signed
22 it.

1 MR. ALEMU: Yes. And that is supposed
2 to be --

3 MEMBER ALBERTI: Ms. Alemu signed it.

4 MR. ALEMU: Yes.

5 MEMBER ALBERTI: She had it notarized.

6 MR. ALEMU: Yes. That's not supposed
7 to be in there. It's supposed to be the landlord
8 affidavit.

9 MEMBER ALBERTI: I understand that,
10 that's why I'm asking you.

11 MR. ALEMU: Yes.

12 MEMBER ALBERTI: Why did your sister
13 submit this?

14 MR. ALEMU: I believe it must be like
15 a plain mistake that happened between
16 understanding.

17 MEMBER ALBERTI: Okay. All right.
18 Thank you. Okay. So you know, we had a Fact-
19 Finding back in -- I'm not even sure when it was.
20 Three months ago. And it came to light at that
21 Fact-Finding that you had events in June on
22 several weekends, during several weeks of 2014.

1 It looks like every week in June of 2014 you had
2 events. Was your sister aware that you were
3 holding events there?

4 MR. ALEMU: Yes.

5 MEMBER ALBERTI: Okay. So she was
6 complacent? She was okay with that?

7 MR. ALEMU: Yes. My sister knows
8 everything that we -- that happens at the
9 location.

10 MEMBER ALBERTI: Great. Okay. Okay.
11 So I have in my possession contracts, four
12 contracts. One is signed in June 10, 2014 for
13 events on June 11, 12, 13 and 14th. One signed on
14 June 17, 2014 for events on June 17, 18, 19 and
15 20th. One signed on June 20, 2014 for events on
16 June 21st and 22nd. And one signed on June 26th for
17 events on the -- June 27, 28 and 29th. Does that
18 sound about right to you?

19 MR. ALEMU: I believe so.

20 MEMBER ALBERTI: Okay. Let me -- just
21 actually let me go. These are the contracts
22 between B Cafe owned by D'Maz Lumukanda and Alemu

1 Investments, LLC and it is signed by you and Mr.
2 Lumukanda.

3 MR. ALEMU: Okay.

4 MEMBER ALBERTI: All four of these.

5 MR. ALEMU: Okay.

6 MEMBER ALBERTI: Does that sound about
7 right?

8 MR. ALEMU: Yes.

9 MEMBER ALBERTI: Okay. Great. Do you
10 need a copy of these?

11 MR. ALEMU: Please.

12 MEMBER ALBERTI: Can we get him a copy
13 of -- just one copy, because they are all
14 identical.

15 MEMBER RODRIGUEZ: He can have mine
16 and I'll share with you.

17 MEMBER ALBERTI: All right. Just --
18 thank you. Okay. Okay. Mr. Alemu, during our
19 Fact-Finding, Mr. Lumukanda did most of the
20 testifying, but you were here and you didn't
21 contradict anything that he said when you had an
22 opportunity to speak.

1 Mr. Lumukanda indicated that you did
2 the cooking for these events. Is that correct?

3 MR. ALEMU: Correct.

4 MEMBER ALBERTI: All right. And you
5 talked about the food that you prepared. Is that
6 correct?

7 MR. ALEMU: Correct.

8 MEMBER ALBERTI: All right. He also
9 indicated that you supplied an ABC Licensed
10 Manager for some of the events, so that there was
11 always a licensed manager there when Mr.
12 Lumukanda wasn't there.

13 MR. ALEMU: A licensed manager has
14 always been from his staff. The only people that
15 I provided is the security staff and the servers.

16 MEMBER ALBERTI: Service? What do you
17 mean? Okay. Security staff are the security
18 guards. All right.

19 MR. ALEMU: Yes.

20 MEMBER ALBERTI: And what other staff
21 did you provide?

22 MR. ALEMU: Bartenders as well as --

1 MEMBER ALBERTI: Pardon?

2 MR. ALEMU: Bartenders and the
3 service, like servers.

4 MEMBER ALBERTI: Okay. Like wait
5 staff?

6 MR. ALEMU: Wait staff.

7 MEMBER ALBERTI: And bus -- people to
8 bus and that sort of thing?

9 MR. ALEMU: Yes.

10 MEMBER ALBERTI: You supplied those
11 people for all of those events?

12 MR. ALEMU: Yes.

13 MEMBER ALBERTI: And by supply it
14 means that you paid them?

15 MR. ALEMU: Well, the way that we
16 arranged the payment is 50/50 between me and him.
17 We brought people that would like to work that
18 particular time, so we did split it.

19 MEMBER ALBERTI: So you split the cost
20 of all of the personnel?

21 MR. ALEMU: Yes.

22 MEMBER ALBERTI: Did you split the

1 costs of the food?

2 MR. ALEMU: Yes.

3 MEMBER ALBERTI: Did you split the
4 cost of the alcohol?

5 MR. ALEMU: No.

6 MEMBER ALBERTI: All right. Okay. So
7 where did the money come to pay these people?
8 From to pay these people.

9 MR. ALEMU: From the revenue that we
10 were generating from this income.

11 MEMBER ALBERTI: Okay. And what
12 happened to the profits?

13 MR. ALEMU: What happened to the
14 profits?

15 MEMBER ALBERTI: Yes.

16 MR. ALEMU: Split.

17 MEMBER ALBERTI: You split them?

18 MR. ALEMU: Yes.

19 MEMBER ALBERTI: Okay. Great. That's
20 pretty consistent with what your contract says
21 there. It says at the beginning it defines who
22 is the client and I won't go into that, but

1 generally the client. It defines you as the
2 client. Is that correct? Would you agree to
3 that in terms of this contract you are the
4 client?

5 MR. ALEMU: Yes.

6 MEMBER ALBERTI: Okay. And it says
7 Item 2 on the second page says "Subject to the
8 terms above, the caterer and the client agree to
9 provide payment of 50 percent of gross revenue
10 each day of the event." Right? So that's
11 consistent with what you just told me. Is that
12 correct?

13 MR. ALEMU: Right.

14 MEMBER ALBERTI: Great. All right.
15 During that hearing, you promised -- you and Mr.
16 Lumukanda promised a couple -- promised us a
17 couple things. Mr. Lumukanda said he would work
18 it out with you, but these are things I'm going
19 to mention, they were things that only you could
20 provide.

21 MR. ALEMU: Okay.

22 MEMBER ALBERTI: Because well, first

1 of all, he indicated that there was a Point of
2 Service System used for those events? Point of
3 Sale System. I'm sorry, I misspoke.

4 MR. ALEMU: The POS?

5 MEMBER ALBERTI: Yes.

6 MR. ALEMU: It should be because --
7 yes.

8 MEMBER ALBERTI: Okay. Was it your
9 POS system?

10 MR. ALEMU: Yes.

11 MEMBER ALBERTI: Okay. So you all
12 promised us the receipts from the printouts or
13 whatever, the information from the POS system for
14 those four contracts which is, what, 12 or 14
15 events.

16 MR. ALEMU: We actually submitted all
17 those POS reports.

18 MEMBER ALBERTI: Okay. Do we have
19 those? Do we know?

20 MS. JENKINS: They should be in there.

21 MEMBER ALBERTI: Okay. Let me see.
22 Would they be in here?

1 MS. JENKINS: They should be.

2 MEMBER ALBERTI: Okay. Did you submit
3 -- okay. Earlier you talked about your system
4 going down during the event where the,
5 coincidentally, Investigator showed up.

6 MR. ALEMU: Yes. And the Investigator
7 actually also showed up the next day and he
8 noticed that everything went back to normal.

9 MEMBER ALBERTI: Right. All right.
10 So and he assured us that it was fixed by the
11 subsequent events, the gas. It was a gas line
12 that had gone out. Is that correct?

13 MR. ALEMU: We thought it was a gas
14 line, but it happened to be something else.

15 MEMBER ALBERTI: What was it?

16 MR. ALEMU: I think it was like one of
17 the oven, I believe, but I'm not quite sure. It
18 has been a while.

19 MEMBER ALBERTI: The what?

20 MR. ALEMU: I think it is the oven,
21 but I'm not sure. I believe it should be --

22 MEMBER ALBERTI: But you had a repair

1 person come in?

2 MR. ALEMU: Yes.

3 MEMBER ALBERTI: Should we have the --

4 MR. ALEMU: I believe you should have
5 like receipts in there.

6 MEMBER ALBERTI: From the repair
7 person?

8 MR. ALEMU: I believe so, yes.
9 Everything that you guys requested the last time
10 that we had this meeting, we provide.

11 MEMBER ALBERTI: So do you know when
12 you submitted that? Because I don't see it in
13 here.

14 MR. ALEMU: I think that has been
15 submitted.

16 MEMBER ALBERTI: Pardon? I'm sorry?

17 MR. ALEMU: I think that has been
18 submitted.

19 MEMBER ALBERTI: Okay. Well, I'll
20 take your word for that, but I don't see it in
21 here. I see the POS receipts, which I haven't
22 had a chance to go through, which I will.

1 I don't have any questions, any other
2 additional questions right now.

3 CHAIRPERSON MILLER: Other questions?
4 Mr. Jones?

5 MEMBER JONES: Thank you, Madam Chair.
6 So during the last hearing, you appeared here
7 with Mr. D'Maz Lumukanda. And during that
8 hearing, you indicated that you discovered that
9 there was an issue with your equipment in your
10 kitchen that prevented you from serving food at
11 approximately 9:00, 9:15.

12 MR. ALEMU: Yes.

13 MEMBER JONES: On that evening. So
14 you had food already pre-prepared to be cooked?

15 MR. ALEMU: Yes.

16 MEMBER JONES: Yes. And you did not
17 try to turn on your oven or the preparation
18 facility wasn't checked out prior to roughly
19 around 9:00, 9:15?

20 MR. ALEMU: It was checked out prior
21 to when we first opened the place at 6:00. We
22 did check some of the items that would need to

1 be, you know, turned on. With that, everything
2 was working very well until we received our first
3 order around like 9:00, 9:15 or whatnot. By the
4 time -- once we prepared our food, it went in the
5 cooler, we have to like, you know, warm it up or
6 whatever before we serve it to a client.

7 By that time when our first client
8 ordered the food around 9:00, 9:15 or whatnot,
9 one of the equipment was not working properly, so
10 that's when we actually informed the client that
11 we don't have any food. And we apologized and to
12 go forward. And we were --

13 MEMBER JONES: Go forward? What did
14 go forward mean?

15 MR. ALEMU: Whether we should close
16 the place.

17 MEMBER JONES: So you informed the
18 client you didn't have any food or you informed
19 your patron you didn't have any food?

20 MR. ALEMU: First, we informed our
21 client that one of our equipment is not working,
22 so we cannot, you know, properly serve you

1 because of the health risk that we are going to
2 be facing after that. And then after we, you
3 know, informed the client, then we discussed with
4 the catering company and told them that, you
5 know, the equipment is not working properly,
6 there is not any food, so while we were
7 discussing is when the ABRA Investigator showed
8 up and that's when we decided to close the place
9 down.

10 MEMBER JONES: Okay. So at what point
11 was the decision made to try and secure food from
12 the neighboring or nearby establishment in order
13 to address the need to have food at your location
14 while having alcohol? Because you didn't seem to
15 mention that during your recent testimony.

16 MR. ALEMU: That was one of the
17 options that we were having -- that we had a
18 conversation between me and the catering company,
19 whether that could work or not if we could be
20 able to get our food from our next neighbors or
21 across the street. So we are not -- with that --
22 that was in between the ABRA Investigator showing

1 up and told us the food has to be here if you
2 have alcohol. If you don't have the -- if you
3 are serving any kind of food.

4 So that was just a conversation that
5 we were having between me and the catering
6 company.

7 MEMBER JONES: Got it. So also I
8 guess I'm not totally clear on you hired a
9 catering company to do what specifically?
10 Because they, obviously, weren't preparing the
11 food.

12 MR. ALEMU: Just --

13 MEMBER JONES: So the catering company
14 was doing what?

15 MR. ALEMU: -- on this particular
16 event, this is the FIFA World Cup event, our dish
17 was mainly towards Ethiopian dish. And those
18 dish the catering company have no idea how to
19 prepare it. They don't know how to make it. So
20 I discussed this --

21 MEMBER JONES: Were you hiring the
22 catering company strictly so that -- or just for

1 the express purpose of selling alcohol?

2 MR. ALEMU: I hired the catering
3 company to accommodate the FIFA World Cup.

4 MEMBER JONES: And what does
5 accommodate mean? So obviously they weren't
6 being accommodated by -- they weren't providing
7 the accommodation of food service, right?
8 Because that's not part of what you were
9 expecting the catering company to provide. Is
10 that correct?

11 MR. ALEMU: I was expecting the
12 catering company to provide the food as well as
13 the alcohol.

14 MEMBER JONES: You were expecting the
15 catering company to provide food as well as
16 alcohol?

17 MR. ALEMU: Exactly.

18 MEMBER JONES: Okay. And that is
19 clearly denoted in the contract?

20 MR. ALEMU: Yes.

21 MEMBER JONES: You said it's clearly
22 denoted? So I have a contract here that is dated

1 May --

2 MR. ALEMU: On second --

3 MEMBER JONES: -- this 10th day of June
4 2014.

5 MR. ALEMU: If you open the second
6 page of the first one --

7 MEMBER JONES: I'm listening.

8 MR. ALEMU: -- it say the client --
9 that the clients will take care of it, provide
10 labor, licensed food, beverage, bar and events
11 management service pursuant and specific to the
12 Law.

13 MEMBER JONES: Okay. Excellent. So
14 you read exactly what I wanted you to read.

15 MR. ALEMU: Great.

16 MEMBER JONES: So if I'm understanding
17 correctly, you were paying the caterer to provide
18 food, alcohol, management services, labor, bar
19 services, etcetera?

20 MR. ALEMU: Right.

21 MEMBER JONES: All of those things
22 with the exception of alcohol were things that

1 you said you specifically were providing above
2 and beyond what D'Maz Lumukanda was providing for
3 your event.

4 You were providing labor. You were
5 providing bar staff. You were providing
6 management. You were providing food. You were
7 providing all of these things with the exception
8 of alcohol. And based on what you just said a
9 few seconds ago, it appears as if that was your
10 intent, because you said that the caterer had no
11 idea how to prepare Ethiopian-type dishes.

12 So you clearly couldn't have had the
13 expectation that this caterer was going to
14 prepare that food for this event.

15 MR. ALEMU: Let me elaborate a little
16 bit more on this --

17 MEMBER JONES: Okay.

18 MR. ALEMU: -- topic right here on
19 what I said earlier. So the catering company,
20 they have no idea how to prepare Ethiopian food.
21 So I --

22 MEMBER JONES: But clearly that wasn't

1 part of your intent for that contract, because --

2 MR. ALEMU: No, no, no.

3 MEMBER JONES: -- they had no
4 understanding nor knowledge and probably no
5 desire to prepare Ethiopian food. You decided
6 that you were going to do that.

7 MR. ALEMU: My cliental at that
8 particular time for the period of the FIFA
9 Tournament, soccer tournament, they are mainly an
10 Ethiopian cliental. So there was a verbal
11 agreement and I -- that I -- not agreement, but
12 that I offer to the catering company, hey, I know
13 exactly what type of products. I know what kind
14 of food they going to be liking. I know how to
15 prepare this food.

16 So I have no problem to, you know,
17 split the cost on that particular items. And
18 then I'll go and prepare my own stuff. That was
19 the one day I was being behind the kitchen and
20 preparing all the food.

21 When it came to --

22 MEMBER JONES: Okay. So just to make

1 sure I'm clear. So you verbally altered the
2 terms of the contract in such a way that --

3 MR. ALEMU: Right.

4 MEMBER JONES: -- you no longer were
5 expecting the catering company to provide food at
6 that point, correct?

7 MR. ALEMU: No, that's not what
8 exactly what I -- let me elaborate a little bit
9 further what I am trying to say about that food-
10 wise.

11 The food he brings to the -- to
12 Signature Lounge to the property and I prepared
13 the food. I make it ready for the cliental.

14 MEMBER JONES: Hold on. So you are
15 saying D'Maz Lumukanda brought food to your
16 establishment?

17 MR. ALEMU: They bring the food, yes.

18 MEMBER JONES: But I thought you just
19 said that you communicated to him that this is
20 Ethiopian food. I know exactly what they are
21 going to want.

22 MR. ALEMU: Yes.

1 MEMBER JONES: I know exactly where to
2 get it.

3 MR. ALEMU: Right.

4 MEMBER JONES: And I am going to get
5 it and I am going to prepare it. If that's the
6 case, it doesn't make sense to me what you are
7 saying, because you seem to be telling me that
8 D'Maz Lumukanda knew what food to bring and that
9 he brought what you needed in order to prepare
10 the food.

11 MR. ALEMU: Right.

12 MEMBER JONES: But that doesn't
13 comport with what you just said.

14 MR. ALEMU: The way that it happened
15 is I tell him I need X amount of meat, X amount
16 of onions or what so on. He brings that. I
17 prepare it and I put it inside the cooler to get
18 it prepared for the next cliental.

19 See like as a catering company, he
20 doesn't know how to prepare Ethiopian food. I
21 know how to prepare it. But when it comes to
22 like buying the inventory, inventory-wise as

1 someone who can just go to a Giant or to Whole
2 Food or to whatever and you can buy all the
3 products.

4 MEMBER JONES: Got it. So what you
5 are telling me is that for this event you are
6 stating here on the record that D'Maz Lumukanda,
7 as the caterer, for your event brought all the
8 food?

9 MR. ALEMU: He brought all the food,
10 yes, and then we split the cost of the food.

11 MEMBER JONES: Okay. So he brought
12 all the food.

13 MR. ALEMU: Right.

14 MEMBER JONES: And that will be in
15 agreement with the transcript from the last Fact-
16 Finding Hearing that we had with you and Mr.
17 Lumukanda? You understand that that will be the
18 -- it will say the exact same thing? There will
19 be no contradiction?

20 MR. ALEMU: It should say the same
21 thing, yes.

22 MEMBER JONES: Okay.

1 MR. ALEMU: And when it comes to the
2 labor, because of the cliental, we feverently
3 discussed that, our -- recommended our drinks,
4 some of the Ethiopian servers or bartenders to
5 the establishment. So it's like providing --

6 MEMBER JONES: Did the caterer provide
7 any ABC Managers?

8 MR. ALEMU: Yes.

9 MEMBER JONES: They did?

10 MR. ALEMU: Yes. Employ himself. On
11 the date of the event that that happened, he was
12 actually most -- most of the event time he is the
13 one that is always there. If he's not there,
14 then one of his ABC Managers is at the
15 establishment.

16 MEMBER JONES: So the caterer provided
17 an ABC Manager for the entire time that you were
18 selling alcohol?

19 MR. ALEMU: Yes.

20 MEMBER JONES: Okay. Did the caterer
21 remove the alcohol from your establishment in its
22 entirety once you decided that you were not in a

1 position to carry out the event as you originally
2 planned?

3 MR. ALEMU: Plus once we finish with
4 our event, and if there is not any --

5 MEMBER JONES: So on the night that
6 there was an event that took place on a
7 particular night, that night, did he remove all
8 of his alcohol that he brought to your
9 establishment in its entirety on the night that
10 the Investigator, the ABRA Investigator came by?
11 Do you have knowledge of the fact that D'Maz
12 Lumukanda removed his entire alcohol inventory
13 from your establishment?

14 MR. ALEMU: If there is not any
15 consecutive events like today and tomorrow --

16 MEMBER JONES: No, no, there is. So
17 you had an event on a day.

18 MR. ALEMU: Yes.

19 MEMBER JONES: And that day the
20 Investigator came by and said you were in --
21 potentially in violation. So on that day, you
22 changed what you said you were offering. You

1 also indicated that the next day, which was a
2 separate day --

3 MR. ALEMU: Yes.

4 MEMBER JONES: -- the Investigator
5 came by --

6 MR. ALEMU: Right.

7 MEMBER JONES: -- and saw that
8 everything was business as usual, whatever that
9 means.

10 MR. ALEMU: Right.

11 MEMBER JONES: Okay. So there is a
12 Day 1 of an event. There is a Day 2 of an event.
13 I'm talking about Day 1.

14 MR. ALEMU: Right.

15 MEMBER JONES: On Day 1 of the event--

16 MR. ALEMU: On Day 1 of the event,
17 when the ABRA Investigator told us to close, not
18 to serve any kind of alcohol, we shut down,
19 locked the door and we left.

20 MEMBER JONES: So you cleared the
21 establishment?

22 MR. ALEMU: Everybody left.

1 MEMBER JONES: All the patrons,
2 everyone in there?

3 MR. ALEMU: Everybody left. We locked
4 the door and we left.

5 MEMBER JONES: Was the alcohol still
6 in your establishment?

7 MR. ALEMU: The alcohol was inside the
8 safe case, safe area.

9 MEMBER JONES: What does that mean?
10 Was it inside of your establishment?

11 MR. ALEMU: Yes.

12 MEMBER JONES: Yes. Okay. Where
13 inside of your establishment was it?

14 MR. ALEMU: We have a place, a
15 designated area where we put all our liquors.

16 MEMBER JONES: Okay. And is that
17 designated area secured by a key, a lock of some
18 sort?

19 MR. ALEMU: Yes.

20 MEMBER JONES: Okay. And who has
21 access to that?

22 MR. ALEMU: I do.

1 MEMBER JONES: You do?

2 MR. ALEMU: Yes.

3 MEMBER JONES: Okay. So you were the
4 only person with access to that location?

5 MR. ALEMU: Yes.

6 MEMBER JONES: Did D'Maz Lumukanda
7 have a copy of that key?

8 MR. ALEMU: He doesn't have the key,
9 but he has access.

10 MEMBER JONES: How does he have access
11 if he doesn't have a key?

12 MR. ALEMU: On the event like day
13 today and tomorrow event.

14 MEMBER JONES: No. I'm talking about
15 when you locked it up and you left the building,
16 who had access to it? If you wanted to go back
17 to that location --

18 MR. ALEMU: I'm the only one.

19 MEMBER JONES: -- you are the only one
20 who could have done that, correct?

21 MR. ALEMU: Yes.

22 MEMBER JONES: Okay. So I just wanted

1 to make sure. D'Maz Lumukanda, the caterer, that
2 you had a contract with --

3 MR. ALEMU: Yes.

4 MEMBER JONES: -- left his entire
5 inventory that he brought to your location there
6 overnight to which you were the only person who
7 had access to it?

8 MR. ALEMU: Yes, because of the -- we
9 have event on the next day.

10 MEMBER JONES: Understood. So
11 overnight it was locked up there?

12 MR. ALEMU: It was locked up there.

13 MEMBER JONES: Got it. Okay. Thank
14 you. That's all I have for now, Madam Chair.

15 CHAIRPERSON MILLER: Okay. Others?
16 Mr. Alberti?

17 MEMBER ALBERTI: A few more questions.
18 So I'm trying to, Mr. Alemu, better understand
19 your arrangement with Mr. Lumukanda. You said
20 that you shared in the profits. How did you
21 determine what the profits were going to be? You
22 got to split the cost of food, you told me. You

1 split the cost of labor. Is that correct?

2 MR. ALEMU: Yes.

3 MEMBER ALBERTI: But you didn't split
4 the cost of alcohol? That's what you told me.

5 MR. ALEMU: Whatever the amount that
6 we sold per night, we split it.

7 MEMBER ALBERTI: Did you split what --
8 the proceeds or did you split the profit?

9 MR. ALEMU: Profit.

10 MEMBER ALBERTI: Well, how did you
11 determine the profit?

12 MR. ALEMU: Usually like 30 percent of
13 the income is usually expense, so after whatever
14 expense there is, we just split it. It's not
15 like an exact amount, hey, this is what it's
16 supposed to be. No. We just split it halfway.

17 MEMBER ALBERTI: So did you agree on
18 what the expenses were?

19 MR. ALEMU: The expenses were what we
20 buy.

21 MEMBER ALBERTI: How did you agree on
22 what the expenses were?

1 MR. ALEMU: Whatever the inventory
2 comes. Let's say food inventory.

3 MEMBER ALBERTI: Okay.

4 MR. ALEMU: With the receipts, we
5 split that in half and half.

6 MEMBER ALBERTI: Of course you knew
7 what the labor cost was.

8 MR. ALEMU: And the labor cost we
9 split in half.

10 MEMBER ALBERTI: So did Mr. Alemu --
11 I mean, does Mr. Lumukanda show you what the cost
12 of alcohol was?

13 MR. ALEMU: The cost of the alcohol?
14 If I ask him, he will show me, but once -- one
15 time he showed me all the cost of the alcohol,
16 but since then it's like you should know by
17 exactly how much it will cost.

18 MEMBER ALBERTI: So you kind of took
19 his word for it?

20 MR. ALEMU: Yes, he bring a bottle,
21 one bottle and whatever we sell per day, let's
22 say we sold \$100 a day, and then we split that in

1 half.

2 MEMBER ALBERTI: Okay. So he deducted
3 -- so your total costs were food, labor, right?

4 MR. ALEMU: Right.

5 MEMBER ALBERTI: And then alcohol.

6 MR. ALEMU: Right.

7 MEMBER ALBERTI: And you combined
8 those. All right?

9 MR. ALEMU: Right.

10 MEMBER ALBERTI: And you split what
11 was left? You subtracted that from the proceeds?

12 MR. ALEMU: Yes.

13 MEMBER ALBERTI: And split what was
14 left?

15 MR. ALEMU: Split what was left, yes.

16 MEMBER ALBERTI: Okay. So in one
17 evening I'm looking at June 13th, your proceeds
18 without tips, all right, excluding tips, the
19 proceeds was a total sales income of \$1,921.50.
20 Of that \$88.50 was food and \$10 was beer and
21 \$1,823 was liquor. I assume that's spirits. Is
22 that correct?

1 MR. ALEMU: Yes.

2 MEMBER ALBERTI: All right. So from
3 what I'm hearing, you would have totalled up all
4 of your costs, all right, and subtracted it from
5 \$1,921.50. Okay? Let's say your total costs
6 hypothetically were \$1,000.

7 MR. ALEMU: Okay.

8 MEMBER ALBERTI: All right. So if
9 that was the case, then the profit would have
10 been \$921.50. Is that correct?

11 MR. ALEMU: Okay.

12 MEMBER ALBERTI: And you would have
13 split that equally between the two of you?

14 MR. ALEMU: From that money, we just
15 paid the security guy.

16 MEMBER ALBERTI: No, no, no.

17 MR. ALEMU: Oh, yes, yes, yes.

18 MEMBER ALBERTI: No, the security guy
19 -- okay. The security guy -- the food, the
20 security guy, the staff and the alcohol cost you
21 \$1,000, let's say.

22 MR. ALEMU: Yes.

1 MEMBER ALBERTI: Hypothetically.

2 MR. ALEMU: Yes.

3 MEMBER ALBERTI: You would have
4 subtracted the \$1,000 from the \$1,921.50 leaving
5 \$921.50.

6 MR. ALEMU: Yes.

7 MEMBER ALBERTI: And you would have
8 split the \$921.50 equally between you and Mr.
9 Lumukanda. Is that correct?

10 MR. ALEMU: Correct.

11 MEMBER ALBERTI: Okay. Great. That's
12 it. Thank you. I understand now. I have no
13 further questions.

14 CHAIRPERSON MILLER: Others?

15 MR. ALEMU: Yes, otherwise, you know,
16 it's like \$1,000 is away.

17 MEMBER ALBERTI: Pardon?

18 MR. ALEMU: Otherwise, we don't split
19 it, the \$1,000 a day. Well, let's say for
20 example if you make \$500 and you split it, it
21 will give you like about, you know, \$250.

22 MEMBER ALBERTI: Yes.

1 MR. ALEMU: It's better to go through
2 that route versus paying \$1,000 every day, yes.

3 MEMBER ALBERTI: Okay. Well, that's
4 your choice, yes.

5 MR. ALEMU: Yes.

6 MEMBER ALBERTI: I gotcha.

7 MEMBER BROOKS: Madam Chair?

8 CHAIRPERSON MILLER: Yes, Mr. Brooks?

9 MEMBER BROOKS: I just need one
10 clarification. You testified earlier, Mr. Amare,
11 that it was 30 percent profit. Is that correct?

12 MR. ALEMU: For?

13 MEMBER BROOKS: You determined 30
14 percent profit -- if it's \$100 a day, 30 percent
15 of that would be profit?

16 MR. ALEMU: No. Usually 30 percent is
17 like your expense. Then the rest should be like
18 your profit margins.

19 MEMBER BROOKS: Okay. 30 percent was
20 the expense.

21 MR. ALEMU: Right.

22 MEMBER BROOKS: So 70 percent profit?

1 MR. ALEMU: Should be 70 percent
2 profit, but that is just I'm thinking out of my
3 head earlier, but it's not like accurate. When
4 we do the exact number, it's pretty much like
5 half and half.

6 MEMBER BROOKS: Okay. Thank you,
7 Madam Chair.

8 CHAIRPERSON MILLER: Okay. Yes, Mr.
9 Jones?

10 MEMBER JONES: Thank you, Madam Chair.
11 So just one of the other things that came up
12 previously was that you had indicated you were
13 going to submit a copy or the actual receipt for
14 the repair work that was done. And I know
15 earlier that you indicated it was submitted in
16 the same package with all the other materials.

17 MR. ALEMU: Correct.

18 MEMBER JONES: Right. So I'm looking
19 at this entire package and I have flipped through
20 all the documents and I don't see that receipt.
21 Do you happen to know the name of the service
22 provider or the contractor that performed the

1 work?

2 MR. ALEMU: That's -- this event
3 happened a very, very long time ago. Right now,
4 we are in February. I'm not -- I cannot recall
5 off of my head right now. The service provider
6 we just, you know, looked into the yellow pages
7 and made a phone call and they just showed up.
8 But all the documents that --

9 MEMBER JONES: Do you happen to know
10 how he was paid? Was he paid with a check?

11 MR. ALEMU: Cash.

12 MEMBER JONES: Cash?

13 MR. ALEMU: Yes.

14 MEMBER JONES: You paid in cash.

15 Okay.

16 MR. ALEMU: But all the documentation
17 that you guys requested at that previous Fact-
18 Finding Hearing we submitted all the paperwork.

19 MEMBER JONES: Okay. So given that
20 you have it and therefore it would be not an
21 issue for you to resubmit that, because it's not
22 part of our record.

1 MR. ALEMU: If I do have a copy, but
2 I'm not quite sure if I have a copy.

3 MEMBER JONES: Well, when you --

4 MR. ALEMU: I just sent the one that
5 I received.

6 MEMBER JONES: -- you gave us the
7 original?

8 MR. ALEMU: Excuse me?

9 MEMBER JONES: You said you -- are you
10 telling me that you submitted to us the original?

11 MR. ALEMU: Something that -- yes,
12 that's what it -- that's what I submitted at that
13 time is the original.

14 MEMBER JONES: And you --

15 MR. ALEMU: Same thing with this I
16 submitted today paper which is like, you know,
17 original paper.

18 MEMBER JONES: So you have no record?
19 What you are telling me right now is you're not
20 sure whether or not you have a record of the fact
21 that the repair took place the next day as you
22 claim?

1 MR. ALEMU: It did happen the day that
2 we requested. It's just --

3 MEMBER JONES: That's not what I'm
4 asking you. I'm asking you are you telling me
5 that you have no knowledge of whether or not you
6 have a record of the fact that the repair was
7 done in the manner in which you claim it was done
8 on the day in which you said it was done?

9 MR. ALEMU: The record that I have is
10 submitted to the Board.

11 MEMBER JONES: So you have no record?
12 So you are blaming us for that record not being a
13 part of this package?

14 MR. ALEMU: I said I don't have it.
15 All the paperwork has been submitted. The
16 company that did the work, they only give you
17 one, you know, customer copy.

18 MEMBER JONES: Understood. And you
19 are telling -- you are saying that you didn't
20 make a copy of that?

21 MR. ALEMU: I didn't make a copy.

22 MEMBER JONES: So I'm --

1 MR. ALEMU: If there is any request,
2 that needs to be, you know, just want to try to
3 make a phone call and try to arrange it if they
4 could be able to have any record of that in
5 there. I have to look up, go deeper and look
6 into all the paperwork that I have with them if
7 there is any.

8 MEMBER JONES: So I will just
9 communicate to you, it's not part of this package
10 here, this envelope. I'm looking at everything
11 else but that.

12 MR. ALEMU: Okay.

13 MEMBER JONES: Okay. And there is
14 some pictures in here of some food. Were these
15 pictures taken on the day of the event? Do you
16 happen to know? Do you have any knowledge of
17 these pictures in the package?

18 MR. ALEMU: I do.

19 MEMBER JONES: You do? Okay.

20 MR. ALEMU: I do.

21 MEMBER JONES: Who took these
22 pictures?

1 MR. ALEMU: We did.

2 MEMBER JONES: When did you take them?

3 MR. ALEMU: There should be a date in
4 the back. Is there?

5 MEMBER JONES: No, sir, there is no
6 date noted on the back. The only thing it says
7 on the front is something to do with the fact of
8 prepared food inside something.

9 MR. ALEMU: Okay.

10 MEMBER JONES: Inside cooler.
11 Prepared food inside cooler.

12 MR. ALEMU: Those must be some of the
13 -- if there is any -- whenever we have an event
14 like this, we take a picture of them, so we keep
15 them for advertisement or whatnot. So we just
16 keep them. So exact date I'm not sure.

17 MEMBER JONES: Okay. So you can't
18 tell me that you know that these are the pictures
19 taken of food that were at the location on the
20 day the Investigator came by?

21 MR. ALEMU: That is at the location.

22 MEMBER JONES: On the day that the

1 Investigator came by?

2 MR. ALEMU: Those are the pictures
3 inside the cooler.

4 MEMBER JONES: On the day --

5 MR. ALEMU: Yes.

6 MEMBER JONES: -- that the
7 Investigator came by?

8 MR. ALEMU: Yes.

9 MEMBER JONES: Okay. So you took
10 pictures prior to the Investigator showing up?

11 MR. ALEMU: We took pictures, yes.

12 MEMBER JONES: Okay. And you are
13 saying you take pictures every time you have an
14 event?

15 MR. ALEMU: If there is something
16 different on our food, yes. If we are having any
17 kind of special.

18 MEMBER JONES: So was there something
19 different on the food, related to the food on the
20 night in question when the Investigator came by
21 your event?

22 MR. ALEMU: We had a few specials on

1 our food.

2 MEMBER JONES: Okay. What were those
3 specials? What was different?

4 MR. ALEMU: We try to make it like a
5 kabob kind of style.

6 MEMBER JONES: What does that mean
7 exactly?

8 MR. ALEMU: Um --

9 MEMBER JONES: What type of food was
10 it?

11 MR. ALEMU: It's Mediterranean food,
12 so pretty much like --

13 MEMBER JONES: So was it a cow? Was
14 it a goat? Was it a chicken?

15 MR. ALEMU: A chicken, sir.

16 MEMBER JONES: It was a chicken.
17 Okay. Was it only chicken?

18 MR. ALEMU: Chicken and beef.

19 MEMBER JONES: Chicken and beef.

20 MR. ALEMU: Yes.

21 MEMBER JONES: Okay. And that's
22 different in what way?

1 MR. ALEMU: In Ethiopia you use your
2 hand with -- in general to eat it, but this one
3 you just use like a --

4 MEMBER JONES: Skewer?

5 MR. ALEMU: Yes.

6 MEMBER JONES: Okay. So the pictures
7 in here I see what looks to be raw chicken, raw
8 beef. I don't see any skewers. And I see a pan
9 of noodles and a pan of it looks like chili-type
10 stuff. I don't know what it is. But are these
11 part of you -- these are part of your normal
12 menu?

13 MR. ALEMU: No.

14 MEMBER JONES: No?

15 MR. ALEMU: Those are like specials
16 that we created.

17 MEMBER JONES: Okay. Thank you.
18 Thank you, Madam Chair.

19 MR. ALEMU: Thank you.

20 CHAIRPERSON MILLER: Mr. Short?

21 MEMBER SHORT: The dates that the
22 Investigator came by was June the 11th and then

1 you say came back the next night when everything
2 was fixed on June the 12th, correct?

3 MR. ALEMU: Correct.

4 MEMBER SHORT: Now, you stated you had
5 someone come in and repair the gas line to the
6 stove? Is that your testimony?

7 MR. ALEMU: The previous testimony?

8 MEMBER SHORT: Yes, that somebody came
9 and repaired the gas line on your commercial
10 stove in your kitchen.

11 MR. ALEMU: At the moment, we thought
12 it was a gas line, but it happened to be
13 something to do with the equipment.

14 MEMBER SHORT: Something to do with
15 the what?

16 MR. ALEMU: With the equipment.

17 MEMBER SHORT: Was it gas, electric?
18 What was it?

19 MR. ALEMU: Electric.

20 MEMBER SHORT: Electric.

21 MR. ALEMU: Right.

22 MEMBER SHORT: Now, the person who

1 came in to the repairs by D.C. Law had to be
2 someone who has a license from DCRA to do work on
3 commercial properties. And you are saying you
4 don't have a receipt from that person?

5 MR. ALEMU: We do have a receipt from
6 that person. We submitted that paper for the
7 ABRA when you guys asked for all the information.
8 All the paper and whatever, he gave us the first
9 page, which is our customer copy and that's the
10 paper that I submitted. And that is where all
11 the files that you guys requested is submitted to
12 the Board.

13 MEMBER SHORT: Okay. So on June the
14 12th, you were back selling food and alcohol,
15 correct?

16 MR. ALEMU: Correct.

17 MEMBER SHORT: And did you have
18 everything in line when the Investigator came
19 back by, your license and everything was in place
20 when he got there on June the 12th?

21 MR. ALEMU: Yes.

22 MEMBER SHORT: It just so happened

1 everything wasn't ready on June the 11th?

2 MR. ALEMU: Right.

3 MEMBER SHORT: And you had someone to
4 come in, licensed persons come in and work on
5 your establishment, but you can't provide that
6 receipt?

7 MR. ALEMU: That receipt has been
8 submitted to the Board when I submitted all the
9 paperwork.

10 MEMBER SHORT: Okay. And you -- was
11 it a plumber or electrician?

12 MR. ALEMU: Electrician, electrician.

13 MEMBER SHORT: Electrician.

14 MR. ALEMU: It was an electrical
15 problem, yes.

16 MEMBER SHORT: Okay. That's all I
17 have. Thank you, Madam Chair. Well, how did you
18 discover it was an electrical problem?

19 MR. ALEMU: When the guy came through
20 and looked at it.

21 MEMBER SHORT: So you had two guys
22 come through?

1 MR. ALEMU: No, no, no.

2 MEMBER SHORT: So how would -- if you
3 thought it was a gas problem --

4 MR. ALEMU: Right. At the beginning--

5 MEMBER SHORT: -- why would you hire
6 an electrician to come fix what you perceived to
7 be a gas problem?

8 MR. ALEMU: We --

9 MEMBER SHORT: So you had at least two
10 people.

11 MR. ALEMU: I have no knowledge of
12 this kind of problems, whether it can be
13 plumbing, it could be electric, it could be gas.
14 I have no idea what is going on with that. When
15 we have the person that came through and looked
16 at it, first of all, I do know some people that
17 does this kind of equipment and I -- they were in
18 the area. I call them and they looked at it.

19 They told me it's not like, you know,
20 a major -- it's not a gas, it's an electric
21 problem. They cannot be able to fix it because
22 they don't have a license in D.C., the license

1 you sell, that's why we contacted a technician to
2 come and look at it, that is D.C. licensed.

3 MEMBER SHORT: So you had a licensed
4 electrician --

5 MR. ALEMU: Right.

6 MEMBER SHORT: -- licensed in the
7 District of Columbia?

8 MR. ALEMU: Right.

9 MEMBER SHORT: Oh, okay. So we can
10 find that. All right. Got it. Thank you.
11 Thank you, Madam Chair.

12 MEMBER ALBERTI: Real quick?

13 CHAIRPERSON MILLER: Yes, Mr. Alberti?

14 MEMBER ALBERTI: Just in that vein, so
15 you were here for a Fact-Finding. When did you
16 discover what the problem was and when did you
17 hire this guy or whoever it was? You hired a
18 repair person to fix the problem.

19 MR. ALEMU: Yes.

20 MEMBER ALBERTI: When did you hire
21 them?

22 MR. ALEMU: See like myself, I'm not

1 the type of person that have knowledge on the
2 equipments in service. But the problem was a
3 very minor problem that was easily fixed.

4 MEMBER ALBERTI: But you know enough
5 to know when it's not working?

6 MR. ALEMU: It's not working, of
7 course, yes.

8 MEMBER ALBERTI: Okay. So you know
9 that much, right?

10 MR. ALEMU: Yes, yes.

11 MEMBER ALBERTI: Okay. So and you
12 knew on the 11th, June 11th that it wasn't working?

13 MR. ALEMU: Right, right.

14 MEMBER ALBERTI: Right.

15 MR. ALEMU: The first cliental --

16 MEMBER ALBERTI: And you hired someone
17 to take care of it?

18 MR. ALEMU: Correct.

19 MEMBER ALBERTI: All right. And they
20 came in and took care of it?

21 MR. ALEMU: Correct.

22 MEMBER ALBERTI: You are telling me,

1 what I'm hearing you say and correct me if I'm
2 wrong, but after it was repaired, you knew
3 generally what the problem was?

4 MR. ALEMU: When the guy told us, yes.

5 MEMBER ALBERTI: Yes. And what did he
6 tell you sort of? Can you sort of tell me what
7 your understanding of what he told you was?

8 MR. ALEMU: It's just a minor
9 electrical issue that was easily to be fixed. It
10 was on the day that he showed up to look into it.

11 MEMBER ALBERTI: Did he have to
12 provide a part?

13 MR. ALEMU: No.

14 MEMBER ALBERTI: No.

15 MR. ALEMU: Something that -- minor
16 work needs that needs to be done for that
17 equipment.

18 MEMBER ALBERTI: Okay. What
19 equipment?

20 MR. ALEMU: Nothing major.

21 MEMBER ALBERTI: What equipment?

22 MR. ALEMU: It was a stove actually.

1 MEMBER ALBERTI: The stove? Do you
2 know what part of the stove?

3 MR. ALEMU: I was not on the premise
4 when --

5 MEMBER ALBERTI: What part of the
6 stove -- when I think of a stove, the stove has
7 burners on top and they have an oven.

8 MR. ALEMU: Right.

9 MEMBER ALBERTI: Right. So this
10 stove, is this -- the stove you are talking
11 about, does it have burners on top and an oven?

12 MR. ALEMU: Right.

13 MEMBER ALBERTI: And the burners on
14 top were gas or electric?

15 MR. ALEMU: Gas.

16 MEMBER ALBERTI: All right. And the
17 oven is gas or electric?

18 MR. ALEMU: Gas.

19 MEMBER ALBERTI: So the oven is gas.
20 The top is gas. All right. So what part -- do
21 you know what part of the stove was not
22 functioning?

1 MR. ALEMU: The day when I spoke to --
2 asked him what was the problem, because I thought
3 it was the gas, actually, it had something to do
4 with the, you know, knob thing. I'm not quite
5 sure exactly what the problem was. Don't hold
6 anything against me about this.

7 MEMBER ALBERTI: No, that's fine.

8 MR. ALEMU: I have no idea what was
9 wrong.

10 MEMBER ALBERTI: That's fine. That's
11 fine. Here is the problem I'm having. Is that
12 you were here in September.

13 MR. ALEMU: Right.

14 MEMBER ALBERTI: And you and Mr.
15 Lumukanda both sat there and Mr. Lumukanda did
16 most of the speaking, but you never corrected
17 him. And what we heard, the story we heard was
18 gas line. I mean, repeatedly I heard gas line.
19 Emphatically, I heard gas line.

20 MR. ALEMU: I know that.

21 MEMBER ALBERTI: Not some other part
22 of the equipment. It was the gas line.

1 MR. ALEMU: I don't remember.

2 MEMBER ALBERTI: But you had -- well,
3 wait. But you had to know in September because
4 you got it fixed in June. So what happened?

5 MR. ALEMU: I'm the one that has
6 mainly dealt with that equipment because it was
7 in the property. It has nothing to do with the
8 catering company. And from my understanding on
9 our last Fact-Finding Hearing, I'm understanding
10 that he have no idea or have no clue what was
11 going on with that equipment.

12 MEMBER ALBERTI: Who had no clue?

13 MR. ALEMU: The catering company.

14 MEMBER ALBERTI: Yes, but you were
15 sitting right there next to him.

16 MR. ALEMU: Correct.

17 MEMBER ALBERTI: And we were talking
18 to both of you.

19 MR. ALEMU: Correct. But the thing
20 was like going extremely fast and it was just
21 passing.

22 MEMBER ALBERTI: So you didn't tell us

1 that? You didn't bother to correct us then? You
2 know, I'll look through the transcript. I don't
3 know if you told us what it was.

4 MR. ALEMU: I believe I said something
5 about the electric after the gas line. It should
6 be somewhere in there.

7 MEMBER ALBERTI: I'll look again.
8 I'll look again. Thank you.

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER BROOKS: Yes, just one more
11 question, Madam Chair.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER BROOKS: Mr. Amare, you said
14 you paid the repairman or electrician in cash.

15 MR. ALEMU: Right.

16 MEMBER BROOKS: Correct?

17 MR. ALEMU: Yes.

18 MEMBER BROOKS: How much did you pay
19 him?

20 MR. ALEMU: No more than \$100. Not
21 more than \$100.

22 MEMBER BROOKS: \$100?

1 MR. ALEMU: Not even more than \$100.

2 MEMBER BROOKS: Not more than?

3 MR. ALEMU: Not more than.

4 MEMBER BROOKS: But you don't know
5 exactly what you paid him?

6 MR. ALEMU: It's been a long time.

7 MEMBER BROOKS: Okay. Thank you,
8 Madam Chair.

9 CHAIRPERSON MILLER: Others?

10 MEMBER JONES: I've got one more.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER JONES: Thank you, Madam Chair.
13 You said your stove was the item that wasn't
14 working.

15 MR. ALEMU: Correct.

16 MEMBER JONES: Right? What exactly
17 did you see as the problem with the function of
18 the stove? Was it getting too hot? Was it
19 leaking? Did you smell gas? What exactly was
20 happening?

21 MR. ALEMU: On the day when the
22 clients order the food, I took the food out, put

1 in a pan, tried to turn on the knobs, none of the
2 knobs were working. The burner, it's like four
3 burner.

4 MEMBER JONES: Yes.

5 MR. ALEMU: And for some reason, none
6 of the knobs was working.

7 MEMBER JONES: When you say none of
8 the knobs were working, what does that mean? The
9 knob didn't rotate?

10 MR. ALEMU: They don't rotate, yes.

11 MEMBER JONES: So the knob was stuck?

12 MR. ALEMU: It was stuck, yes. We
13 took it out. We tried to use an item, but the
14 gas -- the gas was burning in there, but it was
15 not like, you know --

16 MEMBER JONES: How do you know the gas
17 was burning?

18 MR. ALEMU: You could see the light.

19 MEMBER JONES: You saw the pilot
20 light?

21 MR. ALEMU: Pilot light, yes.

22 MEMBER JONES: Okay. So --

1 MR. ALEMU: The pilot light was on.

2 MEMBER JONES: -- the pilot light was
3 on.

4 MR. ALEMU: The pilot light was on,
5 but it was not like burning. It was not like --
6 you know, nothing was turning.

7 MEMBER JONES: Okay. So the nature of
8 the stove that you have, it has a standing or
9 sustained pilot light all the time?

10 MR. ALEMU: Right.

11 MEMBER JONES: Okay. So from a stove
12 standpoint, a gas stove standpoint, what -- do
13 you have any idea of what electrical component --
14 what it serves or what purpose or function it
15 provides to the function of your stove?

16 MR. ALEMU: I have no idea.

17 MEMBER JONES: No idea. All right.

18 MR. ALEMU: I'm not an electrician.

19 MEMBER JONES: All right. Because the
20 only thing I'm aware of from a stove standpoint
21 when you have a gas stove is that your electrical
22 provides for the igniter.

1 MR. ALEMU: Igniter.

2 MEMBER JONES: And you don't have an
3 igniter because you have a sustained pilot light
4 that is on all the time.

5 MR. ALEMU: Correct. I have no idea
6 whatsoever what is going on with that.

7 MEMBER JONES: That's very
8 interesting. Okay. Thank you.

9 CHAIRPERSON MILLER: Okay. Others?
10 I have a question on another aspect. Could you
11 tell me what role your sister plays in the
12 operations of this establishment?

13 MR. ALEMU: She is 97 percent of the
14 shareholder of the company. Until we receive our
15 ABC License, she is going to be sitting behind
16 and support and watching us and advising us on
17 how to run the business. And that's pretty much
18 what she is doing as of right now.

19 CHAIRPERSON MILLER: Okay. And so on
20 the date of the event that we have been referring
21 to in June, did she have any role in what was
22 happening at the establishment?

1 MR. ALEMU: No.

2 CHAIRPERSON MILLER: No. Okay. I
3 just want to read you one part of the
4 qualification statute just that I think is
5 relevant here, so you don't have an attorney, but
6 just so you might have this in mind. It's very
7 basic. But it says "If the applicant has
8 complied with all of the requirements of this
9 title and regulations issued under this title."
10 Okay. And so, you know, the Board has been
11 spending some time exploring, you know, the
12 question about serving food and alcohol,
13 etcetera, with respect to whether that was done
14 in accordance with, you know, our regulations.

15 MR. ALEMU: Okay.

16 CHAIRPERSON MILLER: Okay. Do you
17 have anything else you want to say, at this
18 point?

19 MR. ALEMU: I would like to ask the
20 Board if we -- this event has happened in June,
21 this one event, this one incident happened in
22 June. I would like to ask sincerely the Board if

1 we could go forward and if we could be able to
2 establish this business' liquor license. And I
3 do know that without any kind of food, we cannot
4 serve any kind of alcohol. I do know the law
5 that we have to be on time to pay our tax. And I
6 do know all the laws and regulations what's going
7 to be happening in the District of Columbia.

8 And I would like to ask the Board
9 sincerely to forgive whatever happened at that
10 particular day and if we could be able to move on
11 and obtain this liquor license. It has been a
12 very, very long rough journey that I have been
13 going through up and down, as well as me and my
14 family members and also it's hurting my other
15 business.

16 So I would ask sincerely please to be
17 able to look into it and give us the liquor
18 license.

19 CHAIRPERSON MILLER: Okay. And, sir,
20 I forget your name, but were you planning on
21 saying anything or is this it for you all?

22 MR. DEREJE: No, he already mentioned

1 everything.

2 CHAIRPERSON MILLER: Okay.

3 MR. DEREJE: So what I see everybody
4 was trying to, you know, survive. You know,
5 everybody has a family members, so the Board just
6 take a lot to consider, you know, this is the
7 first time it happens. He is going to fix it or
8 whatever needs fixed to run a business.

9 Otherwise if he stay like this, you
10 know, he is going to be out of business, because
11 I cannot afford to pay the mortgage -- the rent
12 and all expenses. So I would like to ask for
13 consideration for this.

14 CHAIRPERSON MILLER: Okay. Thank you.
15 Let me just ask one other question. There were
16 some documents that were referred to that you
17 said that you submitted to ABRA and that Board
18 Members weren't finding in the file. I just want
19 to ask, I guess, those Board Members that were
20 doing the questioning on that whether those
21 documents -- whether they want the applicant to
22 look for those documents?

1 We can look at ABRA as well, but one
2 was -- Mr. Jones, can you hear?

3 MEMBER SHORT: I also asked a question
4 about the licensed person who did the repairs.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER SHORT: The receipt would be --
7 would tell that story.

8 CHAIRPERSON MILLER: Okay. So would
9 you like -- I want to know. I can leave the
10 record open for -- I'm not sure how much time it
11 will take. I guess you are anxious to move this
12 along, right? So how soon could you -- the
13 documents we are talking about is: (1) A repair
14 receipt, right, from the store, right? And
15 something --

16 MEMBER SHORT: The stove or whatever
17 appliance that was causing him not to be able to
18 cook.

19 CHAIRPERSON MILLER: Okay. And was
20 there another one, Mr. Alberti, that you had
21 mentioned?

22 MEMBER ALBERTI: Nope.

1 CHAIRPERSON MILLER: That's it?

2 MEMBER ALBERTI: I'm not anxious for
3 anything.

4 MEMBER BROOKS: Yes. Okay. Well, I
5 do want to see a copy and I just want to impress
6 upon the applicant that that is important for me,
7 for you to have that receipt of the repair work.

8 MR. ALEMU: Okay.

9 CHAIRPERSON MILLER: How soon do you
10 think -- how much time would you like to get
11 that, to look for that receipt?

12 MR. ALEMU: Give me a day or two. I
13 should be able to look for that.

14 CHAIRPERSON MILLER: Okay. That would
15 be great. All right. Okay. So that's it,
16 that's the only thing we are leaving the record
17 open for is that repair receipt. Okay.

18 And would you address that to or make
19 sure that that goes to Martha Jenkins, our
20 General Counsel, so it will get to the Board?

21 MR. ALEMU: Um --

22 CHAIRPERSON MILLER: Do you have a

1 question?

2 MR. ALEMU: Yes.

3 CHAIRPERSON MILLER: Okay.

4 MR. ALEMU: What does it leave us
5 with?

6 CHAIRPERSON MILLER: Where are you?

7 MR. ALEMU: Yes.

8 CHAIRPERSON MILLER: Okay. So what is
9 before the Board is to determine whether or not
10 to grant or deny your license. And the rationale
11 were we to deny it would be based on 25-301,
12 which is referenced in the order that was sent to
13 you that would find you unfit based on what is in
14 this order.

15 However, that's what this hearing was
16 about. You know, in particular, I mentioned No.
17 7 that talked about not complying with all of the
18 requirements of this title and regulation. So
19 what we are going to do is, you know, review
20 everything that we have now, what you said now,
21 the Fact-Finding Hearing and the documents and
22 determine whether or not you are fit under those

1 standards.

2 So certainly Mr. Brooks would like to
3 see that receipt and maybe others would as well,
4 so we won't make a decision until we have that
5 receipt or if you indicate to us you can't find
6 it, then we will proceed.

7 MR. ALEMU: Okay.

8 MEMBER SHORT: Madam Chair?

9 CHAIRPERSON MILLER: Yes?

10 MEMBER SHORT: If the company that you
11 called are a licensed company, they will have a
12 record of them coming out and doing the repair.
13 And if you can't find it, then you should be able
14 to call that company that you called and they
15 should be able to provide you a service -- that
16 they came out and gave you service on June the
17 11th and/or June the 12th and repaired your
18 appliance.

19 MR. ALEMU: Okay. I will --

20 MEMBER SHORT: So check.

21 MR. ALEMU: -- check, yes. Until --
22 I would like to ask the Board until this thing

1 has been resolved, is there any possible way that
2 I would be able to get a stipulation license?

3 CHAIRPERSON MILLER: We can take that
4 under consideration. I can't really answer that,
5 at this point, but we are not waiting very much
6 before you will decide this. It's just that one
7 receipt or anything else you can give us related
8 to that.

9 MR. ALEMU: Yes. Right now, it's
10 about 3:00, so I'm going to make a phone call and
11 try to --

12 CHAIRPERSON MILLER: Okay.

13 MR. ALEMU: -- locate it right now.
14 If I can be able to locate it today, by tomorrow
15 I'll drop it off. At the latest, maybe like in
16 two days.

17 CHAIRPERSON MILLER: Okay. Well, we
18 meet every Wednesday.

19 MR. ALEMU: Okay.

20 CHAIRPERSON MILLER: So hopefully if
21 all is ready, we may -- I can't promise you, but
22 we can try to resolve this by the next Wednesday.

1 But I can't promise you, because I don't know
2 exactly what is going to be going on.

3 MR. ALEMU: Right.

4 CHAIRPERSON MILLER: But that can be
5 a goal.

6 MR. ALEMU: Okay. Okay. Excellent.
7 I'll provide all the paperwork.

8 CHAIRPERSON MILLER: Okay.

9 MR. ALEMU: By the next day.

10 CHAIRPERSON MILLER: All right.
11 Anything else by anyone? Okay. So then --

12 MEMBER BROOKS: Madam Chair?

13 CHAIRPERSON MILLER: Yes?

14 MEMBER BROOKS: Just before we close
15 it --

16 CHAIRPERSON MILLER: Yes?

17 MEMBER BROOKS: -- I just want the
18 applicant to understand that although I do want
19 to see the receipt and that is important to me to
20 talk about, you know, if he is telling us, you
21 know, the truth about that issue, but that is not
22 the only issue that is a crux here. So I don't

1 want you to leave thinking that as long as you
2 got a receipt then everything is okay.

3 MR. ALEMU: Is there anything that
4 like I need to know?

5 MEMBER BROOKS: Well, we are going to
6 -- I'm going to review the transcript and my
7 notes as to what has transpired today. So I
8 can't tell you, at this time, what I'm concerned
9 about, but the receipt was one of the things.

10 MR. ALEMU: All right.

11 MEMBER BROOKS: So I don't want you to
12 leave here thinking that if you file a receipt,
13 that would end the issue.

14 MR. ALEMU: Right.

15 MEMBER BROOKS: Okay.

16 MR. ALEMU: That's why earlier I was
17 asking the Board while this is ongoing process,
18 if we could be able to get a stipulated license.

19 MEMBER SHORT: Madam Chair, I would be
20 remiss if I didn't --

21 CHAIRPERSON MILLER: Okay.

22 MEMBER SHORT: -- mention this to him.

1 You have a business in Washington, D.C. A lot of
2 important people from all around the world come
3 here and even the citizens here, they are very
4 important to me.

5 MR. ALEMU: Yes.

6 MEMBER SHORT: Someone comes to an
7 establishment, I'm not saying your's, that is
8 unlicensed and gets sick, coming to a business
9 that's not licensed and something happens to
10 them, it makes the city look like it's not taking
11 care of its business like it should. Because
12 unlicensed people shouldn't be selling alcohol in
13 Washington, D.C. And persons who take that for
14 granted shouldn't have a license.

15 So that's just my opinion as a Board
16 Member, but I'm just saying to you think about
17 that. You had one day to make an impression.
18 The ABRA person came by, they said to you you
19 shouldn't be selling food. You said you realized
20 that. You should be selling food with alcohol.

21 So that weighs heavy on me, too, but
22 the receipt is very much going to help me to make

1 the rest of my mind up.

2 MR. ALEMU: Yes. And I do agree.

3 None of any -- there should not be any business
4 owner that sell any kind of alcohol without a
5 proper paperwork or proper licensing. And I do
6 agree with that.

7 And with that in mind, I was and the
8 place was with a proper catering company and a
9 proper staff and a safe environment, except on
10 that particular day that has happened and some of
11 that we cannot be able to control.

12 Something like that, it's not --

13 MEMBER SHORT: It's your business and
14 you don't have any control?

15 MR. ALEMU: It is my business. I do
16 have control. But the fact that I don't have any
17 control over the machine failing on me, it
18 doesn't mean that --

19 MEMBER SHORT: Then you can't open up,
20 that's what it means.

21 MR. ALEMU: I absolutely understand,
22 but this is what happened when --

1 MEMBER SHORT: That's all I have.

2 That's all I have, Madam Chair.

3 MEMBER ALBERTI: Ms. Miller, just real
4 quick?

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Mr. Alemu, there has
7 been a lot of discussion about submitting that
8 receipt. The receipt for the repairs, there has
9 been a lot of discussion about that.

10 MR. ALEMU: Right.

11 MEMBER ALBERTI: It needs to have
12 contact information.

13 MR. ALEMU: Okay.

14 MEMBER ALBERTI: It needs to have the
15 name of the person and their contact information
16 in case we decide to follow-up.

17 MR. ALEMU: Okay.

18 MEMBER ALBERTI: Okay?

19 MR. ALEMU: Okay.

20 MEMBER ALBERTI: Thank you.

21 CHAIRPERSON MILLER: Okay. So we have
22 heard everything you have said. It's on the

1 record. There is a transcript that is going to
2 come of it.

3 And so I have heard your request, you
4 want some kind of temporary license or whatever
5 and all of that we will take under advisement.
6 Okay. And we will, once we have the receipt,
7 look at your case as expeditiously as possible.
8 Okay?

9 MR. ALEMU: Thank you.

10 CHAIRPERSON MILLER: All right. If
11 you have any other questions in the meantime, you
12 can contact our General Counsel Martha Jenkins.

13 MR. ALEMU: Okay.

14 CHAIRPERSON MILLER: All right. So I
15 think that concludes this hearing.

16 I'm just going to take a roll call
17 vote on deliberating on this case when we have
18 all the material in closed session.

19 As Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with Section 405 of
22 the Open Meetings Amendment Act of 2010, I move

1 that the ABC Board hold a closed meeting for the
2 purpose of seeking legal advice from our counsel
3 for Signature Lounge per Section 405(b)(4) of the
4 Open Meetings Amendment Act of 2010, and
5 deliberating upon this case for the reasons cited
6 in Section 405(b)(13) of the Open Meetings
7 Amendment Act of 2010.

8 Is there a second?

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Mr. Alberti
11 seconded the motion. I'll now take a roll call
12 vote on the motion now that it has been seconded.

13 Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Mr. Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MEMBER JONES: I agree.

5 CHAIRPERSON MILLER: It appears that
6 the motion has passed by a 7-0-0 vote.

7 I hereby give notice that the ABC
8 Board will hold this closed meeting in the ABC
9 Board conference room pursuant to the Open
10 Meetings Amendment Act of 2010 and then we will
11 issue a decision in writing thereafter. I think
12 we have 90 days, but I don't know if it will take
13 90 days.

14 Okay. All right. Thank you very
15 much.

16 MR. ALEMU: Thank you.

17 (Whereupon, the Contested Fact-Finding
18 Hearing in the above-entitled matter was
19 concluded at 3:07 p.m.)
20
21
22

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